

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:
	:
v.	:
	:
ROHARIL CRUZ,	:
MAX JOSE LAMARCHE,	:
Defendants.	:
-----X	

MOTION SCHEDULING ORDER

21-CR-502 (PMH)

At today's status conference, the Court directed the parties to meet and confer concerning their respective positions concerning the fentanyl isomers included or not under the Controlled Substances Act and the necessity of motion practice concerning that issue. By August 10, 2022, the parties shall file a joint one-page letter advising the Court of the results of such meet and confer.

The Court set the following briefing schedule for pretrial motions:

1. Defendants' motions, if any, shall be filed by August 31, 2022.
2. The government's opposition shall be filed by September 28, 2022.
3. Defendants' reply, if any, shall be filed by October 5, 2022.
4. Absent prior permission, sur-reply papers will not be accepted.

The Court encourages and appreciates brevity. Absent prior permission, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages.

Counsel shall submit a courtesy copy of all motion papers to Chambers.

Any motion directed to the issue of isomers, as more specifically discussed at the conference, shall be filed jointly such that the submission of that motion includes one set of motion papers only; and any other motions contemplated by Defendants may be separately made.

The next court date in this case is November 9, 2022 at 11:00 a.m. to be held by telephone. By November 2, 2022, defense counsel shall advise the Court in writing as to whether Defendants, after consultation with counsel, waive their right to be physically present and consent to appear by telephone for the proceeding.

For the reasons stated on the record at today's conference, time is excluded under the Speedy Trial Act in the interest of justice until November 9, 2022.

SO ORDERED:

Dated: White Plains, New York
August 3, 2022

A handwritten signature in black ink, appearing to read 'Philip M. Halpern', written over a horizontal line.

Philip M. Halpern
United States District Judge